

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE (REV. 7-2005)		ATTORNEY'S DOCKET NUMBER <b>DEX-0549</b>
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/537,694</b>
INTERNATIONAL APPLICATION NO. <b>PCT/US2003/038815</b>	INTERNATIONAL FILING DATE <b>December 5, 2003</b>	PRIORITY DATE CLAIMED <b>December 5, 2002</b>
TITLE OF INVENTION <b>Compositions, Splice Variants and Methods Relating to Breast Specific Genes and Proteins</b>		
APPLICANT(S) FOR DO/EO/US <b>MACINA, Roberto A. et al.</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.</li> <li>4. <input type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)) <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).</li> <li>11. <input type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409).</li> <li>12. <input type="checkbox"/> A copy of the International Search Report (PCT/ISA/210).</li> </ol> <p>Items 13 to 23 below concern document(s) or information included:</p> <ol style="list-style-type: none"> <li>13. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>14. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>15. <input type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li> <li>16. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li>17. <input type="checkbox"/> A substitute specification.</li> <li>18. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>19. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</li> <li>20. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li>21. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).</li> <li>22. <input type="checkbox"/> Express Mail Label No.</li> </ol>		

PCTUS1/REV07

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1619. A duplicate copy of this sheet is enclosed.
- d. ☒ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Jane Massey Licata, Reg. No. 32,257  
Kathleen A. Tyrrell, Reg. No. 38,350  
Licata & Tyrrell P.C.  
66 E. Main Street  
Marlton, New Jersey 08053  
Telephone: (856) 810-1515  
Facsimile: (856) 810-1454

  
SIGNATURE

Kathleen A. Tyrrell

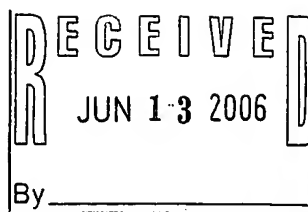
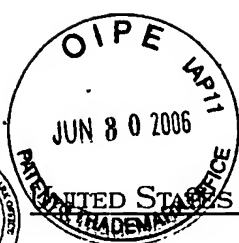
NAME

38,350

REGISTRATION NUMBER

June 12, 2006

DATE



PCT \$

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/537,694	FIRST NAMED APPLICANT Roberto A. MACINA	ATTY. DOCKET NO. DEX-0549
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INTERNATIONAL APPLICATION NO. PCT/US03/38815	
I.A. FILING DATE 12/05/2003	PRIORITY DATE 12/05/2002

32800  
LICATA & TYRRELL P.C.  
66 E. MAIN STREET  
MARLTON, NJ 08053

Docket System ☒  
Status Report ☒  
Docket Book ☒

CONFIRMATION NO. 8350

371 FORMALITIES LETTER



\*OC000000019159624\*

Date Mailed: 06/08/2006

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/06/2005
- Copy of the International Search Report filed on 06/06/2005
- Preliminary Amendments filed on 06/06/2005
- Information Disclosure Statements filed on 06/06/2005
- Biochemical Sequence Diskette filed on 06/06/2005
- Oath or Declaration filed on 06/06/2005
- Biochemical Sequence Listing filed on 06/06/2005
- U.S. Basic National Fees filed on 06/06/2005
- Priority Documents filed on 06/06/2005
- Specification filed on 06/06/2005
- Drawings filed on 06/06/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130 Surcharge.**
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FRANCINE YOUNG

Telephone: (703) 308-9140 EXT 215

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/537,694	PCT/US03/38815	DEX-0549



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: DEX-0549

Inventors: Macina et al.

Serial No.: 10/537,694

Filing Date: Not Yet Assigned

Examiner: Not Yet Assigned

Customer No.: 32800

Group Art Unit: Not Yet Assigned

Confirmation No.: 8350

Title: Compositions, Splice Variants and  
Methods Relating to Breast Specific  
Genes and Proteins

I, Kathleen A. Tyrrell, Registration No. 38,350,  
certify that this correspondence is being deposited  
with the U.S. Postal Service as First Class mail in  
an envelope addressed to the Commissioner for Patents  
P.O. Box 1450, Box Sequence, Alexandria, VA 22313-1450

On this date: June 28, 2006

  
Kathleen A. Tyrrell, Registration No. 38,350

Commissioner for Patents

**BOX Sequence**

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Alexandria, VA 22313-1450

Sir:

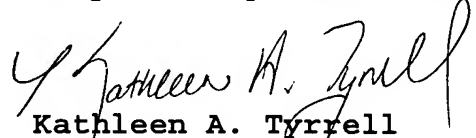
**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

In response to the "Notification of Missing Requirements"  
dated **June 8, 2006**, a response to which is due **August 8, 2006**,  
enclosed herewith for filing are:

- (A) Copies of the Transmittal Letter transmitting four executed Declaration and Power of Attorney forms dated June 12, 2006;
- (B) A copy of return post card date stamped June 15, 2006 by PTO evidencing receipt of (A);
- (C) Copy of the Statement to Support Filing and Submission in Accordance with 37 CFR 1.821-1.825 filed June 6, 2005; and
- (D) A copy of the return post card date stamped June 6, 2005 by the PTO evidencing receipt of (C).

This sheet is attached in duplicate.

Respectfully submitted,

  
**Kathleen A. Tyrrell**  
Registration No. 38,350

Date: **June 28, 2006.**

Licata & Tyrrell P.C.  
66 E. Main Street  
Marlton, New Jersey 08053  
(856) 810-1515

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**JC10 Rec'd PCT/PTO 06 JUN 2005**

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PATENT AND TRADEMARK OFFICE for the PCT

Paper: Transmittal Letter (in duplicate) to the United States Designated/Elected Office Concerning a Filing under 35 U.S.C. 371; copy of PCT International Application; International Search Report; Unexecuted Declaration and Power of Attorney; Preliminary Amendment; Statement to Support Filing and Submission in Accordance with 37 CFR \$1.821-1.825; A computer-readable form of the sequence listing; Paper copy of Sequence Listing; USPTO Credit Card Payment Form for \$1,350.00; Information Disclosure Statement Form PTO 1449; Certificate of Express Mailing via return receipt Express Mail No. EV626224506US.

Applicant(s):  
Serial No.:  
Filed:  
Docket No.:  
Date Sent:

Macina et al.  
Not yet assigned  
Herewith  
DEX-0549  
June 6, 2005

**10/537694**

Signature

Signature

Signature

Merchandise Insurance is  
without obtaining signature  
article can be left in secure  
utes valid proof of delivery

Owner Signature

TENTS

VA 22313-1450

**EMS**



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PATENT AND TRADEMARK OFFICE

Paper: Transmittal Letter; four executed  
Declaration and Power of Attorney forms;  
Credit Card Payment Form for \$130.00 for  
Missing Parts fee

Applicant(s): Macina et al.  
Serial No.: 10/537,694  
Filed: Not Yet Assigned  
Docket No.: DEX-0549  
Date Sent: June 12, 2006

RECEIVED BY THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

Paper: Transmittal Letter; four executed  
Declaration and Power of Attorney forms;  
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Applicant(s): Macina et al.  
Serial No.: 10/537,694  
Filed: Not Yet Assigned  
Docket No.: DEX-0549  
Date Sent: June 12, 2006

IAP15 Rec'd PCT/PTO 15 JUN 2006